

## REPORT

*Of the Committee of Claims in the case of the heirs of William Forbes.*

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JANUARY 23, 1824.

Read, and committed to a Committee of the whole House to-morrow.

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The Committee of Claims, to whom was referred the petition of the heirs of William Forbes, deceased, of the state of Virginia,

### REPORT:

For a statement of facts in this case, the House is respectfully referred to a report of the late Commissioner of Claims, dated 9th of March, 1818. It will be seen from the report, that this claim is similar to that of the Levy Court of Calvert county, and to many others which must be in the recollection of the House.

The committee are of opinion, that the petitioners are not entitled to any relief. The hostility of the enemy during the late war was marked with a character peculiarly licentious and extravagant. At every point where he landed, devastation and pillage appear to have been his only objects. In the instance before us, a claim is made for property destroyed at Kinsale, to the amount of \$7,700. But, on the other side of the river Yeocomico, opposite to Kinsale, the property of our citizens was also destroyed. It could not therefore be urged, that the *occupation at Kinsale was the cause of the destruction*, when the same destruction equally awaited property on the opposite side of the river, where, it is believed, no occupation is pretended. The law, it will be remembered, requires that *occupation must be the cause of destruction*, before any claimant can be entitled to indemnity.

This conclusion will be fortified by a knowledge of the various acts of predatory and licentious warfare committed by the enemy. In Louisiana, Virginia, Maryland, in this city, and on the Niagara frontier, the same ruthless spirit appears to have marked his course. No one could say, for example, that the Capitol of the United States was destroyed in consequence of its having been in the *military occupation of government*. Yet this and other monuments, "dedicated to the arts," were doomed to the assaults of barbarous invasion. For losses of this description, no government can or ought to be held responsible; because, the resources of no nation would be adequate to meet so varied and extensive a demand. The following resolution is therefore submitted to the House.

*Resolved*, That the claim of the heirs of William Forbes, deceased, ought not to be granted.

[To be annexed to the Report in the case of William Forbes.—No. 41.]

TREASURY DEPARTMENT,  
THIRD AUDITOR'S OFFICE, 4th March, 1822.

SIR: I have the honor to acknowledge the receipt of your letter, of this day's date, enclosing the petition of Gordon Forbes, and requesting me to furnish the Committee of Claims with the original papers alluded to by the petitioner.

It appears, by the records of the late Commissioner of Claims, that on the 9th March, 1818, his report of the facts, in the case of the heirs of Wm. Forbes, dec'd, late of the State of Virginia, was, with the accompanying evidence, transmitted to the Hon. Speaker of the House of Representatives, pursuant to the directions of the act of the 3d March, 1817, amendatory of the claims' law. These are, doubtless, the papers referred to, and they will, it is presumed, be found on the files of the House. The petition is returned.

With great respect,

Your most ob't serv't,

PETER HAGNER,

*Auditor.*

The Hon. LEWIS WILLIAMS,  
*Chairman of the Committee of Claims.*

*To the Honorable Members of the House of Representatives:*

Your petitioner begs leave to state, that he is one of the number who suffered by the merciless warfare carried on by the British, during the late war, along the shores of the waters emptying into the Chesapeake Bay. Some time in the month of August, 1814, the British squadron, under the command of Admiral Cockburn, after burning several houses on Nomony creek, appeared off the mouth of Yeocomico. As no doubt could be entertained, that it was their intention to land and exhibit their usual scene of conflagration and plunder, all the militia, under the command of Gen. Hungerford, were embodied at Kinsale. The enemy, however, succeeded in landing, and, after securing the spoil which they wanted, proceeded to burn all the houses belonging to the premises. For a particular account of the loss sustained, your petitioner begs leave to refer to the official return of Robert Murphy and Peter P. Cox, Esqrs. made agreeably to the act graciously provided for those whose property had been destroyed, by being in any way connected with military occupation, and in conformity with the directions of the Commissioner of Public Claims. Your petitioner thinks you will there find, that his claim comes strictly under the purview of the act before mentioned. It is probable that it may have escaped observation, in consequence of a great mass of returns of a similar nature, which were preferred about the same time. If not, he is convinced that nothing but the great body of applications, (necessarily precluding a minute and particular examination of each) could have prevented the report of the Commissioners, and the accompanying documents, from securing an instant recognition of the propriety and justice of the claim. Your petitioner feels no disposition to enlist the feelings of your Honorable Body, by making any parade of the injury which fell upon him, and the other heirs to whom the property belonged. He is one of four children, who, some years before the war, had been bereaved of both father and mother, left dependent on a small property for support, and the chief revenue arising from that property, derived from the houses now under consideration. Severely, however, as this blow was felt, he is sensible that any appeal founded on this ground, would be alien to the principles which must regulate the decision of his case. All that he wishes and begs, is, that the aforementioned report, together with the accompanying documents, may be fairly examined. Justice, and not charity, is his aim. If his claim should come under the spirit and intention of the act, he is convinced that indemnity will be granted. If not, he has no desire that the privations, however great, which followed the savage infliction of the enemy, should in any way operate upon the deliberations of the House.

GORDON FORBES.

Be it known, pursuant to two laws of the United States, the one entitled, "An act to authorise the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed on the 9th day of April, in the year 1816, and the other entitled, "An act to amend the act authorising the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed on the 3d day of March, 1817, that I, Richard Bland Lee, duly appointed by the President of the United States, by and with the advice and consent of the Senate, commissioner under the first recited act, reposing special confidence in your honesty, ability, and diligence, have constituted and appointed, and, by these presents, do constitute and appoint you, Peter P. Cox, Esq. and Dr. Robert Murphy, gentlemen, commissioners (any one or more of you to act) to take the testimony of such witnesses as may be brought before you, or any of you, either by your own summons or otherwise, an oath or affirmation in due form being first administered by either of you, relative to a certain claim of the heirs of William Forbes, deceased, against the United States; a particular description of which is contained in the annexed schedule; conforming yourselves, in all respects, to the rules and directions hereto attached. And all testimony so taken by you, you shall certify under your hands or hand, (as the case may be,) and, having duly executed the duties required by this commission, you shall return the same, under a sealed cover, by mail, with a report of all your proceedings thereon, to this office, on or before the first day of January next.

Before you proceed to act, you will take "an oath before some officer authorised by law to administer the same, *that you will faithfully and impartially execute the duties assigned to you by this commission,*" a certificate of which, from the officer administering the same, you will transmit with the report of your proceedings.

In testimony of the premises, I, the said Richard Bland Lee, hath to these presents, at my office in the city of Washington, affixed my signature, this 20th day of June, in the year 1817.

RICHARD BLAND LEE.

#### *Rules and Directions to the Commissioners.*

1. You will summon before you, and examine, the following witnesses, on the part of the United States; namely, General Alexander Parker, General John P. Hungerford, and such other persons as you may believe can testify, as to the subject claimed, favorably to the interests of the United States, generally as to their knowledge of the matter in controversy, and as to the character of the witnesses produced by the claimant, if you shall deem this precaution necessary.



2. You shall examine the witnesses produced by the claimant; but no testimony must be taken but in conformity to the rules prescribed by the notice from this office of the 3d of June, 1816, referring for your direction to the class of cases to which the particular claim before you belongs. A copy of which notice is therefore herewith enclosed.

3. Every witness examined must, in the first place, swear or affirm, that he has no interest, directly, or indirectly, in the claim.

4. In your report, if you have doubts concerning the credibility of the witnesses, derived from their general character, or other circumstances, you must state the grounds of such doubts.

#### *Schedule.*

The heirs of William Forbes, deceased, claim payment for various houses and buildings, used either as military deposits, or barracks, during the late war, and destroyed by the enemy in consequence of such use, \$7700.

This claim falls under the sixth class.

The commissioners will particularly ascertain each house that was occupied, and the value thereof; and distinctly state, whether it was occupied as a barrack, or store-house for naval or military stores or provisions.

R. B. LEE.

*Westmoreland County, ss:*

This day came before me John Murphy, a justice of the peace for the county aforesaid, Peter P. Cox, Esq. and Doctor Robert Murphy, gentlemen commissioners, appointed by Richard Bland Lee, Esq. Commissioner of Claims, and made oath on the holy Evangel of Almighty God, that they would faithfully and impartially execute the duties assigned to them, by virtue of the said commission.

Given under my hand this 9th December, 1817.

JNO. MURPHY.

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#### *Case of the Heirs of William Forbes, deceased.*

The heirs of William Forbes, deceased, claim payment for the several buildings hereinafter enumerated, which were destroyed by the enemy, at Kinsale in the county of Westmorland, and state of Virginia, on the 3d of August, 1814, in consequence, as is alleged, of the military occupation thereof, by the United States, viz:

For a framed dwelling house	-	-	\$ 3,000
a new framed house adjoining thereto,			
used as a nursery	-	-	500
a framed kitchen	-	-	300
a framed granary	-	-	300
a framed storehouse, and counting room			2,000
a new log granary	-	-	300
an old log granary	-	-	50
a framed smoke house	-	-	150
a framed pigeon house	-	-	100
a tobacco warehouse	-	-	1,000
			<hr/>
			\$ 7,700
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*Evidence in support of the Claim.*

James Cox states on oath, that he was in service during the late war, and held a captain's commission in the 111th regiment of Virginia militia, and was stationed at Kinsale at different times, with the company under his command; that the dwelling house was occupied by the officers as a barrack, and that on the day of the enemy's landing, a number of militia were in it, procuring rations of meal, which had been procured for them; that the kitchen was used by the militia for cooking; that the storehouse was occupied as a barrack, and also as a depository of ammunition and provision; that one of the granaries was occupied as a barrack; and that the occupation of the houses was made under the authority, and by the direction of John Turberville, at that time Major of the aforesaid regiment, but who died in October, 1815.

John B. Murphy states on oath, that he was in service during the war, in the capacity of lieutenant of a rifle corps of militia, and was frequently stationed at Kinsale; that the dwelling house was occupied by the officers, the kitchen was used by the soldiers for cooking, the granary was occupied as a barrack, and the storehouse as a depository of ammunition and provisions; and, that the occupation was made by the authority of Major Turberville.

Major William Middleton states on oath, that the dwelling house, storehouse, and granary were occupied as barracks, and used as depositories of provision and military stores, and were destroyed, the 3d of August, 1814. That under orders of Major Turberville, commandant of the 2d battalion, and 111th regiment, he marched with his company of artillery, about the 25th July, 1814, to Kinsale, and caused a breast work to be thrown up on the beach, between the dwelling house and store house, from which he was ordered to retire, but a little while before the enemy effected their landing.

*Evidence summoned on the part of the United States.*

General Alexander Parker states on oath, that he was often at Kinsale during the late war; that bodies of militia were frequently

stationed there; that the dwelling house was occupied by the officers as a barrack; that the kitchen was used by the soldiery for cooking; that the storehouse was occupied as a depository of ammunition and provision; that one of the granaries (framed) was occupied as a barrack, and that he did not believe any other house was subjected to military uses.

John S. Tapscott states on oath, that he had often been at Kinsale during the late war, that he saw bodies of militia frequently there; that he dined several times with the officers in the dwelling house; that the storehouse was occupied as a depository of military stores and provisions; and that one of the granaries (framed) was occupied as a barrack.

*Evidence as to the value of the Buildings.*

Allen S. Dozier and Thomas S. Rice, carpenters, state on oath, that being called upon to value the aforesaid property, with which they were well acquainted, they had valued the same according to the best of their judgments, at the sums set forth in the statement of the said claim.

*Summary of Facts.*

It is proved by officers acting under him, that by orders of Major John Turberville, now deceased, the dwelling house, kitchen, and a framed granary, belonging to the claimants, were frequently occupied as barracks, during the late war, and were so occupied at the time of their destruction by the enemy, on the 3d of August, 1814; also, that the storehouse belonging to the claimants, was also occupied as a place of deposit for military stores, previous to, and at the time of its destruction by the same order.

It is not stated, that the other buildings mentioned in the said claim, were so occupied.

The value of the buildings occupied as barracks, or as a military depot, are proved to have been,

Dwelling house and nursery, forming one building	\$ 3,500
Storehouse - - - - -	2,000
Kitchen - - - - -	300
Framed granary - - - - -	300

Total loss, \$ 6,100

It will be observed that Major General Alexander Parker, commander in chief of the militia, in that quarter of the state of Virginia, confirms the more particular statements of the other witnesses. The Commissioner will further add, that he is personally acquainted with the most important witnesses, who are all men of the first character, as to personal integrity and honor.

All which is respectfully submitted,

RICHARD BLAND LEE.

*Office of Claims, &c.*

WASHINGTON, March 9th, 1818.

KINSALE, *December 13, 1817.*

Sir: Having been duly constituted and appointed a commissioner, by your authority, to act in a certain claim depending between the United States, on one part, and the heirs of Wm. Forbes, deceased, on the other, and having executed the duties prescribed to me by virtue of said appointment, I beg leave to submit the following report, as the result of my proceedings:

On the 10th instant, Captain James Cox, a witness in behalf of the claimants appeared before me, and being duly sworn, was examined. His certificate, sworn to before me, and enclosed, contains all the information, of any moment, touching the above mentioned claim, which he could furnish.

On the 12th instant, Jno. B. Murphy, a witness in behalf of the claimants, appeared before me, and being duly sworn, was examined. His certificate, sworn to before me, and enclosed, contains all the information, of any moment, touching the above mentioned claim, which he could furnish.

On the 10th instant, General Alexander Parker, agreeable to your designation, was summoned as a witness on the part of the United States, and being duly sworn, deposed as follows: "That he was often at Kinsale, during the late war: that bodies of militia were frequently stationed there: that the dwelling-house was occupied by the officers as a barrack: that the kitchen was used by the soldiery for cooking: that the store-house was occupied as a depository of ammunition and provision; and, that one of the granaries (framed) was occupied as a barrack. He did not believe that any other house was subjected to military uses."

On the 10th instant, Jno. S. Tapscott was summoned as a witness in behalf of the United States, and being duly sworn, deposed as follows: "That he had often been at Kinsale, during the late war: that he saw bodies of militia frequently there: that he dined several times with the officers in the dwelling-house: that the store-house was occupied as a depository of military stores and provisions; and, that one of the granaries (framed) was occupied as a barrack."

From the distant residence of General John P. Hungerford from Kinsale, I have been unable to procure his testimony, agreeable to your designation. It shall be obtained, however, if possible, and transmitted without delay, to your office.

Thus, Sir, it appears from the evidence given in, that

The dwelling-house,	-	-	-	-	-	-	-	\$ 3000
The nursery, being annexed to it, is considered as a part,								500
Kitchen,	-	-	-	-	-	-	-	300
Framed granary,	-	-	-	-	-	-	-	300
Store-house,	-	-	-	-	-	-	-	2000

were the only houses actually occupied, in any way, by the militia. The evidence offered by the claimants, *fully* corroborated by the testimony of General A. Parker, and, *principally*, by that of Jno. S. Tapscott, also, leaves no doubt of the actual occupation of the houses above enumerated.



On the 10th and 11th instant, Allen S. Dozier and Thomas S. Rice, carpenters, who assessed the value of the houses destroyed, appeared before me, and being duly sworn, made oath, that the certificate enclosed, embracing said valuation, was true and impartial. Being personally acquainted with them, I deemed it unnecessary to resort to evidence in regard to their capacity and integrity.

It is due to the claimants to state, that they have labored under peculiar difficulties, in regard to the management of their claim. Mr. Gordon Forbes, under whose auspices the business was commenced, went to sea before your instructions, prescribing the method by which the business should be conducted, were received. He has only arrived within a day or two in the United States.

I am, Sir, very respectfully,

Your obedient humble servant,

ROBERT MURPHY.

RICHARD BLAND LEE, Esq.

*Commissioner of Claims.*

Inventory and valuation of sundry houses, the property of the orphans of William Forbes, deceased, late of Kinsale, Westmoreland county, which was destroyed by the enemy on the 3d day of August, 1814.

To one frame dwelling house, in good repair, with four rooms on one floor and five above, with cellars under the house, 42 by 30 feet	\$3,000
To one new framed house used as a nursery, annexed to the dwelling house, 18 by 16 feet	500
To one framed house, a kitchen, 18 by 16 feet	300
To one framed granary, 20 by 16 feet	300
To one framed store house and counting room, with dutch roof and cellars under, 30 by 20 feet	2,000
To one new close jointed log granary, 20 by 16 feet	300
To one old log granary by the dwelling house, 20 by 20 feet	50
To one framed smoke house, 10 by 10 feet	150
To one framed pigeon house, 14 by 14 feet	100
To one tobacco warehouse for inspection of tobacco, with a shed at one end and two prize beams, in good repair, 60 by 24 feet	1,000
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	\$7,700

We, the subscribers, being carpenters, and called upon to value the above property, with which we are well acquainted, do hereby certify that we have valued the same according to the best of our judgments.

Given under our hands at Kinsale, this 25th day of April, 1817.

ALLEN S. DOZIER.

THOMAS S. RICE.

On the 10th and 11th inst. Allen S. Dozier and Thomas S. Rice, carpenters, who assessed the value of the property described in the within schedule, appeared before me, and made oath that the within certificate respecting said value, is just and impartial.

Given under my hand, this 11th December, 1817.

ROBERT MURPHY.

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I do hereby certify, that I was in service during the war in the capacity of Lieutenant of a Rifle Corps of Militia, and was frequently stationed at Kinsale. That the dwelling house was occupied by the officers—that the kitchen was used by the soldiers for cooking—that then the granary was occupied as a barrack; and that the store house as a depository of ammunition and provisions. I do moreover certify, that the said occupation of the houses was made by the authority of the late John Turberville, Esq. then a Major in the 111th Regiment Virginia Militia. Maj. Turberville died in October, 1815.

Given under my hand this 12th December, 1817.

JOHN B. MURPHY.

On the 12th inst. John B. Murphy appeared before me, a Commissioner appointed by Richard Bland Lee, Esq. to act in behalf of the United States, in a certain claim depending between them and the heirs of William Forbes, deceased, and made oath that the within certificate contained a true and impartial statement of facts.

Given under my hand this 12th December, 1817.

ROBERT MURPHY.

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I certify that, in July, 1814, I was appointed to the command of the troops that were called into service for the defence of the Northern Neck; that a part of them were stationed at Yeocomico church, near Kinsale; that Capt. Middleton was detached to that place for its defence, with a company of artillery; that, previous to the destruction of Kinsale by the enemy, the troops were marched there from Yeocomico church, as it was apprehended they intended to visit that place. The British fleet then lay off the mouth of Yeocomico. Early in the morning of the third of August, we discovered the enemy ascending Yeocomico river, with considerable force, in tenders and barges, they landed on the east side of the river, about two miles below, at Monday's Point, and, after great depredations at that place, and in the neighborhood, re-embarked for Kinsale. Sensible of their great superiority in numbers, and knowing that we should be much exposed on a bleak shore to their cannon, it was thought proper to retire. Major Yates, however, with two volunteer

companies under his command, were immediately sent back, and, after being much exposed to the racking fire of their cannon, was forced to retreat, with the loss of one of his men. The British landed, plundered and burnt the houses, and carried away a great deal of property. The houses at Kinsale, were generally occupied by the troops; in fact, we had then only partially been furnished with tents.

Given under my hand this 4th day of February, 1823.

JOHN P. HUNGERFORD,

*Brig. Gen. 14th Bat. Va. Militia.*

*Virginia, Westmoreland County, to wit:*

I hereby certify, that General John P. Hungerford, made oath before me, a justice of the peace for the said county, that the above certificate contains the truth, the whole truth, and nothing but the truth, so far as he knows or believes.

Given under my hand this 5th day of February, 1823.

WM. SLATER JETT.

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I do hereby certify, that I was in service during the late war, and held the commission of captain in the 111th regiment of Virginia militia; that I was stationed at Kinsale, at different times, with the company under my command; that the dwelling house was occupied by the officers as a barrack, and that, on the day of the enemy's landing, a number of militia were in said dwelling house procuring rations of meal, which had been procured for them; that the kitchen was used by the militia for cooking; that the store house was occupied as a barrack, and also as a depository of ammunition and provision, and that one of the granaries was occupied as a barrack. I do moreover certify, that the occupation of the houses was made under the authority, and by the direction, of John Turberville, deceased, at that time major of the 111th regiment of Virginia militia. Major Turberville died in October, 1815.

Given under my hand this 10th day of December, 1817.

JAMES COX.

On the 10th instant, Capt. James Cox appeared before me, a commissioner appointed by Richard Bland Lee, esq. to act in behalf of the United States, in a certain claim depending between them, and the heirs of William Forbes, deceased, and made oath that the within certificate contained a true and impartial statement of facts.

Given under my hand this 10th day of December, 1817.

ROBERT MURPHY.

I do certify, that the dwelling house, store house, and granary, at Kinsale, in the county of Westmoreland, belonging to the orphans of William Forbes, deceased, were occupied as barracks, and used as depositories of provision and military stores, and were destroyed the 3d of August, 1814. I do moreover certify, that, under orders of Major John Turberville, commandant of the 2d battalion and 111th regiment, I marched with my company of artillery, about the 25th of July, 1814, to said Kinsale, and caused a breast work to be thrown up, on the beach, between the dwelling house and store house of said orphans, from which I was ordered to retire, but a little while before the enemy effected their landing. Given from under my hand this 18th day of December, 1817.

WM. MIDDLETON.

*Westmoreland County:*

This day Major William Middleton came before me, and made oath that the above certificate is true. Given under my hand this 18th day of December, 1817.

PETER P. COX.

DR. BALL: At the request of Mr. Forbes, I send you the annexed affidavit, which I hope may assist his case; and, with great truth and sincerity, I beg leave to subscribe myself,

Your friend, and humble servant,

RICHD. E. PARKER.

On this 23d day of January, 1823, personally appeared before me, Richard E. Parker, a Judge of the General Court of Virginia, and made oath, that he did, in the month of July, 1814, command the 111th regiment of Virginia militia, in the county of Westmoreland, which was then in actual service, in consequence of the landing of the enemy in different parts of the county. That, on or about the 24th of that month, apprehending a descent upon that part of the county contiguous to Kinsale, on the river Yeocomico, he, as the officer, then commanding, gave an order to Captain Middleton, of the artillery, to proceed to that place, and throw up such temporary defences as the time would permit, in order to aid in repelling the enemy, if they attempted to land; and, also, an order to Quartermaster Richard T. Brown, to furnish such entrenching tools, &c. as might be necessary for that purpose. This order was obeyed; and the place, including the houses belonging to the estate of William Forbes, deceased, which were immediately at the spot, was occupied by the troops. On the 23d of July, General Hungerford was appointed to command the force, then assembling from different quarters; but the order did not reach the Northern Neck, until about the 25th or 26th,



when he took the command, and immediately marched, with all his disposable troops, to Kinsale, arriving about day-light of the very day whereon the enemy landed first at Monday's Point, and drove Captain Henderson from that place; and, afterwards, at Kinsale. On their return from the pursuit of Henderson, they were seen re-embarking and proceeding up the river, to the latter place, which was now occupied by the General with his whole force; but, on their nearer approach, it was withdrawn, (for what reason, this affiant does not know, unless it was deemed untenable,) with the exception of two companies, under Major Yates, of King George, who volunteered to stay and attempt its defence. They were quickly driven away, with the loss of one man, killed; and the enemy landed, in full view of Hungerford's brigade, and burnt the warehouses on each side of the river, and the dwelling and store house at Kinsale, which had been occupied, as this affiant believes, as barracks for the troops; and in which provisions, &c. were stored.

This affiant has ever considered Kinsale as a military post, when it was taken and burnt by the enemy, and the heirs of Forbes to be justly entitled to retribution for their loss. He has documents in his possession nearly fixing the dates, and has a most distinct recollection of the facts, but his orderly book has been lost, or mislaid, so that he cannot give a copy of the orders alluded to.

Sworn to before me, the day and year aforesaid.

GEO. W. CAMP,

*An Alderman of the Borough of Norfolk.*

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The affidavit of Richard T. Brown, taken at Westmoreland court-house, the 22d day of December, 1823, before William Middleton, a Justice of the Peace, in and for the said county of Westmoreland. This affiant being sworn, saith, that he acted in the months of July and August, 1814, as quartermaster to the 111th regiment of Virginia militia, commanded by Lieut. Col. Richard E. Parker, and employed in the defence of the Northern Neck, in the late war with Great Britain, and that, whilst the said regiment was stationed at Yeocomico church, in the county of Westmoreland, Col. Parker issued an order about the 26th or 27th of July, directing Captain Middleton of Artillery, with his company, to occupy Kinsale, the real estate of the late William Forbes, Esq., on Yeocomico river, in the county of Westmoreland, and to fortify the same against an expected attack of the enemy at that place; and at the same time, he issued an order to this affiant, to furnish to Captain Middleton's command, the necessary entrenching tools, with rations for the men of his company, and forage for his artillery horses; all of which was complied with. That Captain Middleton, in obedience to the said order, occupied Kinsale, on the day of its date, and commenced the works contemplated by the said order.

This affiant further states, that the grounds and all the houses at Kinsale, were placed in requisition by the said detachment; and that the dwelling house was used as quarters for the officers, and the store house and other houses, were occupied, either as barracks for the soldiers, or as store houses for the use of the detachment, and was so used, until the 29th day of July, when Brigadier General John P. Hungerford arrived with his brigade, and assumed the command at that place; and that on the day after the arrival of Gen. Hungerford, the enemy appeared before it in great force, and commenced a heavy fire, of cannon and grape shot, from their barges and tenders, on our troops, who were compelled to retire from their unfinished works, with the loss of one man, killed in Captain Pitt's company of infantry. The enemy then landed, and set fire to all the houses on the place, and with them, consumed a quantity of quartermaster's stores, that were deposited in one of the houses at that place.

RICHARD T. BROWN.

*State of Virginia, Westmoreland County, ss.*

The foregoing affidavit of Richard T. Brown, was subscribed and sworn to, before me, a Justice of the Peace for said county, on the day above stated.

WM. MIDDLETON.

